

Docket No. F-8789

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REMARKS

Claims 20-39 are now pending in this application. Claims 1-20 are rejected and are cancelled. New claims 10-39 are added.

CLAIM REJECTIONS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

Claims 11 and 12 are rejected as indefinite under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter of the invention as a result of informalities stated in the Office Action. The claims are now cancelled rendering the rejection moot. The new claims have adopted different wording.

CLAIM REJECTIONS UNDER 35 U.S.C. §§ 102 AND 103

Claims 1-20 are variously rejected under 35 U.S.C. § 102(b) as being anticipated by the Henriot or Lautenschlager references or as obvious over the Henriot, Lautenschlager or Yutaka references in view of the Hays reference under 35 U.S.C. §103(a).

Claims 1-20 are now cancelled rendering the rejections moot. However, insofar as the subject matter of new claims 21-40 reflects that of the cancelled claims and in the event the Examiner considers asserting the present rejection

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against the new claims or making the next Office Action final, applicants submit the following remarks.

NEW CLAIMS

Claim 21-40 are now added and are submitted as patentable. "Under 35 U.S.C. §102, anticipation requires that each and every element of the claimed invention be disclosed in the prior art reference. ... In addition, the prior art reference must be enabling, thus placing the allegedly disclosed matter in the possession of the public." *Akzo N.V. v. U.S. International Trade Commission*, 1 USPQ 2d 1241, 1245 (Fed. Cir. 1986), *cert. denied*, 482 U.S. 909 (1987). "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The ~~teaching or suggestion to make the claimed combination~~ and the reasonable expectation of success must both be found in the prior art, and not based on the applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)." MPEP §706.02(j) "Contents of a 35 U.S.C. §103 Rejection". It is

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respectfully submitted that the cited references fail to disclose at least the following features and elements of the present invention.

Claim 21 provides a drawer body having first and second side plate outer surfaces that extend from top edges to bottom edges of the side plates. These surfaces are exterior surfaces. The claims further recite that there are at least one upper protrusion and at least one lower protrusion that extend laterally outward from the side plate outer surface. Further defined are first and second rails that each include a flange member connected to a rail guide flange by spanning member such that the flange member is displaced vertically apart from the rail guide flange. The flange member is engaged at upper and lower flange surfaces by said at least one upper and lower protrusions in a manner that displaces the inner spanning surface of the flange from the corresponding one of the first and second side plate outer surfaces.

In rejecting past claims the Examiner has applied broad readings of the term flange. It is respectfully submitted that the present claims are not subject to such readings and clearly define over the applied references. The protrusions of the present invention are integral with the side plate of the drawer and allow the flange member to be readily secured to the drawing in a manner wherein the inner spanning surface of the flange member is spaced from the side plate outer surface
_____ and the rail guide flange extends laterally outward from the spanning member of

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the rails while the flange member extends laterally inward toward the side plate outer surface. The applied references do not teach such an arrangement.

The Henriot reference teaches a drawer wherein a groove is formed and a rail device is inserted in the groove. The Examiner believes that the term "flange" could be read on the u-shaped portion of the Henriot rail that is inserted in the groove. However, the present claims require that the flange member and the rail guide flange be displaced vertically apart by the spanning member. This is clearly impossible in the Henriot reference as the "flange" referred to by the Examiner is the u-shaped portion inserted in groove 132 and is overlaid by the rail guide portion 37. Hence, the requirement of claim 21 that "said flange member and said rail guide flange being displaced apart in the vertical direction a distance that is spanned by said spanning member" cannot be met by the Henriot reference and is not suggested since the "flange" interpreted by the examiner is coincident in the vertical direction with the rail guide 37.

Additionally, the Henriot reference does not provide a spanning member with an inner spanning surface displaced apart from the side panel outer surface of the drawer. The Examiner has chosen to read the side surface of the Henriot drawer as the bottom surface of the groove 132. Thus, there is no spanning surface as defined by the present claims that is displaced apart from the side surface, i.e., the bottom of the groove as read by the Examiner.

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Finally, it is submitted to the Examiner that the Henriot reference does not at all teach protrusions from the sides surface of a drawer. It should be evident that one skilled in the art will view the side surface of the Henriot drawer as surface 54a, the "drawer side panel," contrary to the Examiner's creative interpretation. Hence, rather than forming protrusions, Henriot forms a groove in the side surface. This teaches one to compact the rail into the drawer by countersinking the rail into the side of the drawer. This is the opposite of the present invention.

The next applied reference is the Lautenschlager ('989) reference. This reference teaches a structure totally different from the present invention as claimed. The '989 reference teaches a drawer wherein the side of the drawer is formed of a contiguous inverted u-shaped side wall 14. It is not evident that there is any rail guide flange extending from the laterally from any side surface of the drawer and the Examiner has not clearly identified such structure in the rejection. It is believed that the Examiner may construe a ridge in the outer side surface of the side wall 14 to be a rail guide flange. However, the present claims require that the rail guide flange be non-integral with the side plate which is the antithesis of the '989 invention. Furthermore, the claims require an inner spanning surface of the rail to be spaced apart from the first and second side plate outer surfaces that are on

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an *exterior* of the drawer body. No such structure is suggested by the '989 reference.

The Yutaka JP 7-223394 reference is further applied by the Examiner and teaches a drawer having a side wall 11c with a slot 11c1 through which a rail 18 is attached. One skilled in the art will readily realize that the Yutaka reference does not teach protrusions from the side plate outer surface as claimed. Hence, the Yutaka reference provides no guidance that would lead one to the presently claimed invention.

The Hays reference is also applied by the Examiner for teaching using resin in drawer constructions. The Hays reference does not provide teaching relevant to the above noted arrangement of the claimed invention.

The present invention is further distinguished in dependent claims 22-40. Claim 22 relates that the at least one upper protrusion does not overlap in the vertical direction with the at least one lower protrusion and thus engage the flange member at non-opposing areas. Claim 23 relates that the at least one upper protrusion includes first and second protrusion and that the side plates have upper plate portions that form top surfaces and interconnect top edges of the first and second upper protrusions. Claim 24 relates the folded down plate portion which is spaced apart from the side plate outer surfaces and which contact the inner spanning surface. Finally, claim 25 relates that the at least one lower protrusion

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In light of the foregoing, the application is now believed to be in proper form
for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,
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